

Division Director Briefing for Hunters Point April 15 Meeting

April 11, 2019, version

Talking Points – Opening Remarks

- It is in the interest of all of us to move forward with testing in the field as soon as possible. You have received my two letters that propose a path forward to accomplish just that. I and my staff have had numerous conversations consistent with the proposal. I do not believe that any of this should be a surprise.

I am trying to avoid a dispute. If you issued the workplan as final, then that would be a disputable document.

We stopped talking even at a staff level,

Long Term Protectiveness

- We thought we were making progress through a series of conference calls with technical staff on use of the PRG Calculator for soil and for buildings for a commercial/industrial/demolition scenario. We have offered multiple times over the last month to continue these technical discussions for the buildings residential scenario. I strongly recommend that you share your calculations and resume these discussions. We believe that more site specific parameters can be varied, consistent with the national users guide.
- I understand that you want to use RESRAD at this late date. EPA recommends the PRG Calculator, and I believe we had made good progress using it. If you really want to use RESRAD, our guidance can allow that with Headquarters consultation to ensure that the site-specific parameters used in RESRAD would be applied in a way consistent with the National Contingency Plan. However, I also recommended that in the interest of time, for the soil and buildings (commercial scenario), for efficiency, you should complete the PRG Calculator assessments, as we are close to agreement. Even if you want to do analysis using RESRAD, you should address the comparison between that and PRG Calculator assessments, since that is EPA's recommended approach, and the public will expect that approach.

Timing

- We have proposed to give partial approvals to allow soil work to begin. We also believe that the start time for trench testing does not need to wait until February, 2020.

Transparency

- We only earn trust when we are all transparent to the public. We therefore recommend releasing long term protectiveness assessments to the public

Draft - Internal, deliberative, pre-decisional

- We are all inundated with FOIA or Public Records Act requests. The Navy is the lead agency. Your Administrative Record incomplete in both physical & electronic form. The public is being asked to submit a FOIA request for items in the Administrative Record that are not available online, which is a likely reason for so many FOIA requests. The Navy does not respond to FOIA requests and press questions in a timely manner. The result is that requestors go to EPA, DTSC, and CDPH. If you can improve accessibility of documents and your responsiveness, we will be able to move more quickly on review/approval of your documents.

DRAFT

Talking Points – Path Forward Steps

Short Term – Soil

- For expedited EPA approval of soil reference background testing:
 - Address the relevant portions of EPA’s December 13, 2018, comments on *Work Plan* technical details. EPA will send additional comments by April 25, 2019.
 - Issue Responses to Comments and Change Pages. Make these available to the public.
- For expedited EPA approval of soil trench and building sites testing:
 - Develop a Tech Memo to supplement the July 9, 2018, draft *FYR* that draft PRG Calculator assessments for soil and buildings (commercial scenario). EPA will send additional comments April 25 to inform that. Issue this technical memorandum for regulatory agency and public comment.
 - For the *Work Plan*, address the relevant portions of EPA’s December 13, 2018, comments. EPA will send additional comments by April 25. Issue Responses to Comments and Change Pages. Make these available to the public.
 - Issue the new draft *Radiological Rework Work Plan Addendum* for soil. Address regulatory agency and public comments, integrate conclusions from the Tech Memo.

Medium Term – Buildings

- Resume technical discussion on BPRG Calculator (residential scenario) assessments
- If Navy wants, submit draft RESRAD assessments for EPA HQ Consultation

Long Term

- Engage in discussions with the City and the State, refine building future use determinations
- Issue for public comment draft *Five Year Review Addendum* including draft assessments for Buildings (Residential Scenario) and address comments.
- Issue for public comment draft Buildings Work Plan Addendum and address comments.